

**From:** Russ Magee  
**To:** Microsoft ATR  
**Date:** 11/17/01 4:33am  
**Subject:** Concerns over DOJ/MS Settlement

Dear Sirs/Madams;

As a computing professional who has worked in the industry for nearly 10 years, I feel I am qualified to comment on the US/DOJ anti-trust case and Microsoft's conduct in the computing industry.

I feel the settlement reached with Microsoft is totally unacceptable.

Microsoft's hold on the market is unaffected by the DOJ's lawsuit, as MS still retains complete control over the defacto standards for doing business today -- the Microsoft Office data formats; MS still has 'trade secret' OEM contracts which are rumoured to prohibit the installation of any non-MS operating system alongside theirs; and MS still refuses to disclose critical programming information to other software companies and programmers worldwide.

The concept of an operating system, which all PCs require to run at all, in our day and age must be considered 'critical infrastructure', much like our system of national highways, or the electrical system. Microsoft, as well as any other popular OS vendor, should be required to adhere to strict standards of public availability, without prejudice, for the common good (\*not\* for one corporation's benefit).

Microsoft is constantly modifying their software (especially their Office Suite's data formats) so that no one can make an adequately compatible software. To truly open up the desktop computing market again to competition, Microsoft should be required to:

- 1) Publish \*complete\* specifications of the data formats used in Microsoft Word, Excel, Access, and Powerpoint applications;
- 2) Be required, for a period of at least five (5) years, to make \*freely\* available (no NDA contracts) any planned changes to the above formats, at least ninety (90) days prior to releasing any product, or product update, which would modify the above formats;
- 3) Be required to fully document the Application Programming Interfaces (APIs) and network communication protocols for the current flagship Windows operating systems (Windows 2000 and Windows XP); it has been \*proven\* many times over that Microsoft withholds critical API information in order to prevent competitors from designing fully compatible software.
- 4) Be required to make all OEM licensing agreements publicly available (they are currently claimed to be 'trade secrets' by Microsoft), and be compelled

to remove any clauses prohibiting or penalizing OEMs for placing other, non-Microsoft operating systems, on PCs at time of sale alongside their own operating systems.

Please consider these points before final judgements on the Microsoft anti-trust case. If the above points are not implemented, Microsoft will be perceived to be 'above the law', and I, among many others in the computing industry, will have lost a great deal of respect for the American Department of Justice as an instrument of the law.

Truly,  
-Russell Magee